

Kenneth O. Simmons Jr.  
ID #09983-067 Unit Nia-A  
F.C.I. Raybrook  
P.O. Box 9006  
Raybrook, NY 12977

April 15, 2005

Hon. Judge William W. Caldwell  
&/ Clerk of the Court  
U.S. District Court (Mid PA)  
228 Walnut Street  
P.O. Box 983  
Harrisburg, PA 17108

RE: U.S. v. Simmons  
1:00-CR-0050-02

FILED  
HARRISBURG, PA  
APR 20 2005  
MARY E. D'AMORE, CLERK  
Per Deputy Clerk

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Requesting Consideration  
For a Reduction of Sentence  
Pertaining to 18 U.S.C. 3582(c)(2)

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Dear Hon. Judge William W. Caldwell,

I'm presenting this letter form Motion to you in request that you please consider reducing my Sentence of 360 months-Life to a more appropriate Sentence of 120 months. Now that the 18 U.S.C. 3742(e) and 18 U.S.C. 3553(b's) which made the Sentencing Guidelines mandatory in the first place, and in which you said at Sentencing on November 29 of the year 2000: "That you were bound by the Sentencing Guidleines", to impose the Sentence that I received from you. Now due to the new Supreme Court ruling in U.S. V. Booker 543 U.S.\_\_\_\_, 160 L.ed. 2d 621, 125 S.Ct 738 (2005) the Sentence Guidelines is now considered usable as an advisory in which now you (Hon. Judge William W. Caldwell) have full control of Sentencing at your

own discretion.

At Sentencing it was and is still clearly understood that you did not want to impose the Sentence that you were bound to impose. You stated on Pg. 19 of the Sentencing Transcripts at line 12-15;

The Court: "Alright Mr. Simmons, this is a very difficult situation I am sure and it is also difficult for me because I don't know if Mr. Cohen [Counsel for Simmons] or anybody else has told you that I am bound to follow the Sentencing Guidelines that Congress has enacted."

And at line 25 of Pg. 19 and Lines 1-4 of Pg. 20 the Court states again;

The Court: While I don't agree with the Sentencing Guidelines, and I hope somehow that perhaps Mr. Cohen will be successfull on some technical arguments that might result in a reduction of your sentence, I am nevertheless bound to impose the sentence required by law.

It is clear that had the Guidelines been advisory at the time of my Sentencing this Honorable Court would have imposed a lesser Sentence or a more appropriate Sentence instead of the draconian Sentence of 360 months - Life (30 yrs. plus) that it was bound to impose.

Now that this Honorable Court is allowed to reduce a Sentence at it's own discretion when there is a change in the Guidelines that may cause a Sentence to lowered under 18 U.S.C. 3582 (c) 2 and now this Honorable Court may use the Sentencing Guidelines as advisory not mandatory towards Sentencing and Resentencing, I am praying that this Honorable Court have mercy and reduce my Sentence.

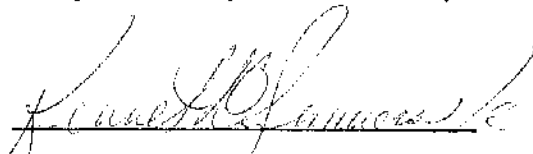
Since I've been incarcerated I have received numerous certificates and certifications in the 63 1/2 months (5 yrs. 3 months). I am proud to say that I have done much with my life during my incarceration instead of just doing nothing (as my co-defendant Loner is doing). I can speak and show for myself what I have accomplished: I have completed a 20 month vocational carpentry training program that consisted of 1100 plus hours of hands-on training, now I am a certified carpenter after passing the Federal N.O.C.T.I. exam with flying colors and high above national average scores. I'm also certified by Environmental Protection Agency / HVAC as a Universal Agent in the handling of HVAC materials. This course consisted of 3 months. I've also received numerous other certifications in Real Estate, History of War, Parenting, Marriage Counseling in which my wife and I participated, (5) Christian fellowship seminars chosen as a Deacon of The F.C.I. Allenwood Chapel, Sport Activities and Employee of the Month for UNICOR. I'm also a Suicide Prevention Watch Companion with 8 watches to my credit. Now I'm presently an Advanced Math tutor for the

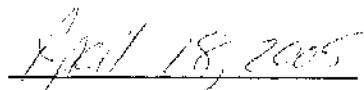
G.E.D. program and also I'm a volunteer for the Children of Ronald McDonald House Pop-Top Recycling Community Project. I must say my conduct is also spotless. (Certificates enclosed).

Hon. Judge William W. Caldwell I would like to say that my life has changed dramatically. I am a re-born Christian a God fearing man now with principles and of moral standards. My family has been patient with me though my children are growing and now my daughter is attending Junior High School and yes I am proud of my children and would love to return home to them soon.

So for all the enclosed reasons I respectfully ask and pray that this Honorable Court agree to reduce my Sentence due to the new Advisory Standard of applying the Guidelines and my accomplishments while incarcerated. Along with the Courts Comments.

Respectfully submitted,

  
Kenneth O. Simmons

  
April 18, 2005

Noted.

It must be noted that I have reportedly given information against Tommy Clayton to the U.S. Attorney's office and the State Police of Huntington County. I have given information on his 1st Left Conspiracy (Drug) and since then he's been arrested by the FBI and is presently facing Federal Drug Charge. I've offered to testify if necessary. I'm still willing to. The information I have given started from Dec. 2003 up and to the day of his arrest. My info helps the FBI understand and let the DA know that Clayton was still active in the Drug Game even after his incarceration.

I swear under the penalty  
of Perjury to the Truth.

X James H. [Signature]

April 18, 2005

April 7, 2005

To: Whom it May Concern  
From: Crossroad Bible Institute  
Re: Kenneth Simmons #09983067  
FCI – Raybrook  
P.O. Box 9006  
Raybrook, NY 12977

Dear Sir or Madam,

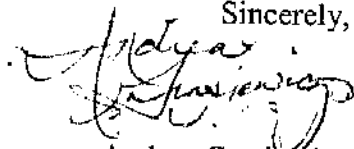
I am writing on behalf of Kenneth Simmons, who requested that I send a letter of recommendation to you. I am happy to be able to fill this request for Kenneth. By way of introduction, Crossroad Bible Institute has existed for the past 20 years as a ministry that provides solid reentry education. We have over 30,000 students across the country, and we have over 4,000 trained instructors to correct the lessons of the students. Every lesson that the student completes is carefully perused and a letter of encouragement and direction is sent with the corrected lesson back to the student. We keep careful records of each student's progress, and I am able to give you a detailed description of Kenneth's efforts in completing our course.

Kenneth enrolled in Crossroad Bible Institute on May 21, 2001. Since that time, he has successfully completed all 12 lessons of the *Great Truths of the Bible* course and was awarded a certificate of completion. Kenneth was then offered the opportunity to continue his studies in the second level of our curriculum where he works one on one with his own personal Mentor/Instructor. Kenneth has completed 10 of 10 lessons of the first course, *10 Men You Should Know* and is currently working on lesson 8 of 8 of the second course, *In God We Trust*. Kenneth works on his lessons in a timely manner and completes each lesson with an excellent level of accuracy. This report shows that Kenneth puts forth effort, follows through on his commitments, and works to complete what he sets out to do.

Kenneth has been a faithful student, a joy to work with, and is to be commended on his work thus far. I welcome any questions that you may have regarding his work with Crossroad Bible Institute.

P.O. Box 900  
Grand Rapids, MI  
49509-0900  
ph 616-530-1300  
fx 616-530-1302

**Crossroad**  
BIBLE INSTITUTE

Sincerely,  
  
Andrea Grasiwicz  
Reentry Programs Coordinator

mail@crossroadbible.org  
www.crossroadbibleinstitute.org

This Certifies that

**Kenneth D. Simmons Jr.**

has completed a NOCTI  
Competency Assessment in the field of Carpentry  
and is awarded this

# Certificate

for participation in the Occupational testing program conducted  
in accordance with the standards of NOCTI and FCI Allenwood  
awarded on this Twenty-Second day of January 2004

William D. Lane  
Supervisor of Education

David H. Hays  
Vocational Training Instructor

Ray Ryan  
Ray Ryan, President/CEO  
National Occupational Competency Testing Institute



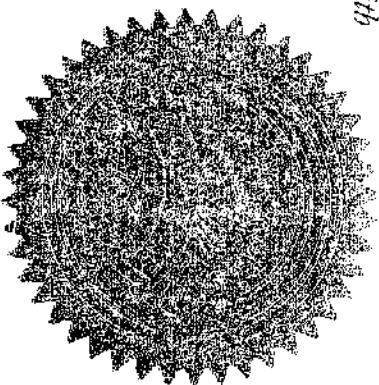
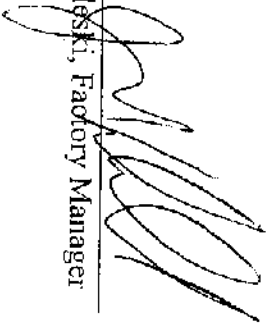


UNICOR ALLENWOOD

*This Certifies That*  
**Kenneth Simmons**  
**Certificate Of Achievement**

*Is a recipient of the Unicor Certificate Of Achievement award for his outstanding  
contributions to Unicor for the month of May 2001. In recognition  
of his efforts and performance he will receive a cash bonus along with  
this certificate.*

Jeff Kruleski, Factory Manager





# CERTIFICATE OF PARTICIPATION

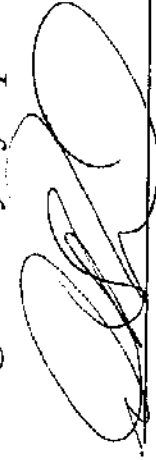
Presented to

***Kenneth Simmons Jr.***

for the

***RONALD MCDONALD HOUSE  
POP-TOP RECYCLING COMMUNITY PROJECT  
2005***

*This certificate is hereby issued this Eighth day of April 2005*



Daniel Bickford, Inmate Activities Coordinator

# Certificate of Award

*This certifies that*

**KENNETH SIMMONS, JR**

*has completed the required curriculum and assignments to  
receive certification in*

**Parenting Skills Program – Level I**

*awarded by*

**The Parenting Program  
of**

**The Bethesda Family Services Foundation**

**Class Hours Completed 18**

*Date* **October 17, 2002**

*James Dressler*

*Dominic Herbst*



# Certificate of Award

*This certifies that*

**KENNETH SIMMONS, JR.**

*has completed the required curriculum and assignments to  
receive certification in*

**Parenting Skills Program – Level II**

*awarded by*

**The Parenting Program  
of**

**The Bethesda Family Services Foundation**

**Class Hours Completed 16**

**Date January 8, 2003**

*James Dressler*

James Dressler

*Dominic Herbst*

Dominic Herbst

United States of America

Washington, D.C.

This Certificate is awarded to

Queen Herod's Daughter

In appreciation for her faithful service  
dedication in serving the Christian world

Abigail The Lord

DATE

CERTAIN BEADLE

# Certificate of Recognition

*This certificate is awarded to:*

*Kenneth Simmons Jr.*

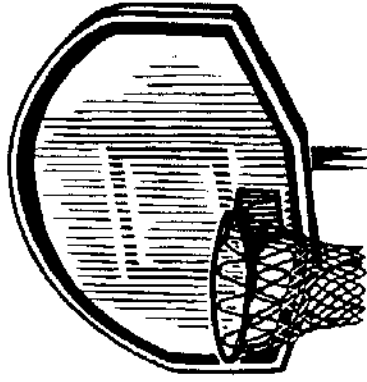
*In appreciation for his service  
and dedication in playing for  
F.C.I. Allenwood church basketball team.*

*We the Church, Thank you!*

*This certificate is hereby issued this 8<sup>th</sup> day of September, 2003.*

*J. Beadle*

J. Beadle, Chaplain



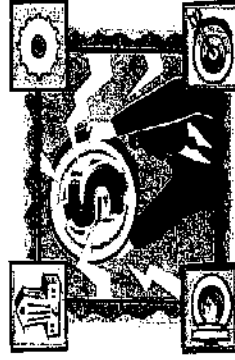
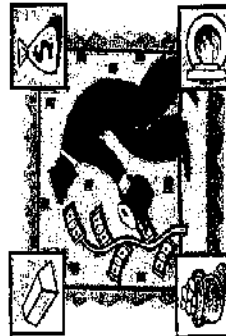
# Certificate of Achievement

This certifies that

**Kenneth Simmons Jr.**

has successfully completed

**Personal Investing and Finance**



This Certificate is hereby issued this 12<sup>th</sup> day of November 2003

M. Miller  
ACE Coordinator

N. H. Lane  
Education Supervisor



# CERTIFICATE OF ACHIEVEMENT

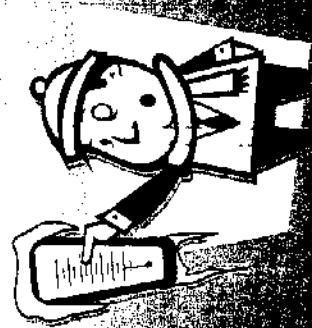
This certifies that

*Kenneth Simmons Jr*

has successfully completed

**Refrigeration E.P.A.**

This Certificate is hereby issued this 12<sup>th</sup> day of November 2003



*M. McKee*  
Area Coordinator

*M. H. Lane*



# Certificate of Achievement


This certifies that


**Kenneth Simmons Jr.**

has satisfactorily completed

**Real Estate**

This certificate is hereby issued this 13<sup>th</sup> day of March 2003.

  
ACE Coordinator

  
Education Supervisor

# *Certificate of Achievement*

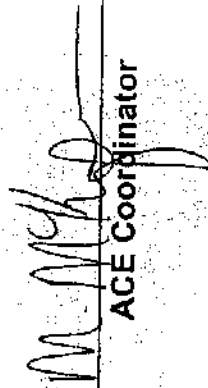
This certifies that

**Kenneth Simmons Jr.**

has satisfactorily completed

***History of War***

This certificate is hereby issued this 13<sup>th</sup> day of March 2003.

  
\_\_\_\_\_  
ACE Coordinator

  
\_\_\_\_\_  
Education Supervisor

# CERTIFICATE OF ACHIEVEMENT

THIS CERTIFIES THAT

**Kenneth O. Simmons**

HAS SUCCESSFULLY COMPLETED TIER 1  
GREAT TRUTHS OF THE BIBLE



*Dr. David Schuringa*

Dr. David Schuringa  
President, Crossroad Bible Institute

September 5, 2002

Date



PRISON  
FELLOWSHIP<sup>®</sup>  
*Ministries*

In recognition of participation in the seminar,  
*Planted By Living Waters*  
*Marriage Seminar,*

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Kenneth Simmons

---

a child of God, is hereby awarded this

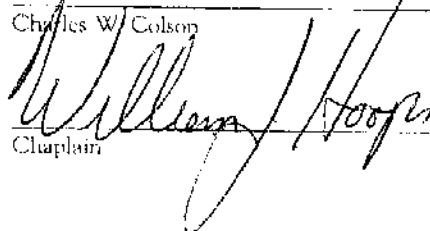
*Certificate of Participation*

"Be strong in the Lord and in his great power. Wear the full armor of God.  
Wear God's armor so that you can fight against the devil's evil tricks."

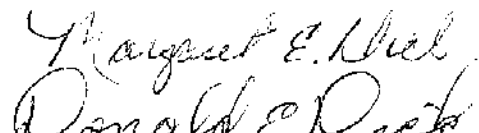
Ephesians 6:10-11 New Century Version



Charles W. Colson



Chaplain



Instructor



11-14-01

Date



PRISON  
FELLOWSHIP  
*Ministries*

In recognition of participation in the seminar,

GROWING IN CHRIST

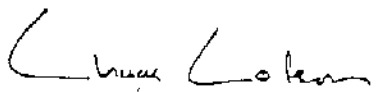
KENNETH SIMMONS, JR.

a child of God, is hereby awarded this

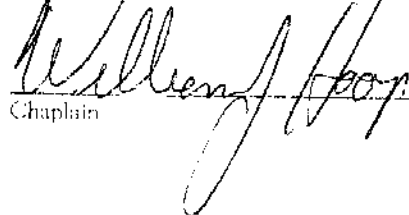
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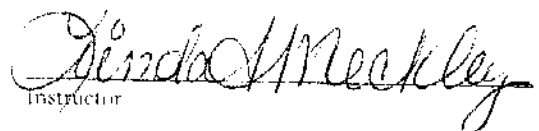
Ephesians 6:10-11 New Century Version



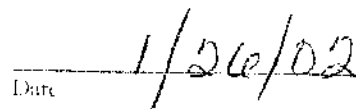
Charles W. Colson



Chaplain



Instructor



Date





PRISON  
FELLOWSHIP<sup>TM</sup>  
*Ministries*

*In recognition of participation in the seminar;*

**" LOVING OTHERS "**

**KENNETH SIMMONS JR.**

*a child of God, is hereby awarded this*

*Certificate of Participation*

*"Be strong in the Lord and in his great power. Wear the full armor of God.  
Wear God's armor so that you can fight against the devil's evil tricks."*

*Ephesians 6:10-11 New Century Version*

*Charles W. Colson*

Charles W. Colson

*Willie Hoag*

Chaplain

*Helena Carpenter*

Instructor

*July 8<sup>th</sup> 2001*

Date



PRISON  
FELLOWSHIP<sup>®</sup>  
*Ministries*

*In recognition of participation in the seminar;*

**"Love and War"**

**Kenneth Simmons**

*a child of God, is hereby awarded this*

### *Certificate of Participation*

*"Be strong in the Lord and in his great power. Wear the full armor of God.  
Wear God's armor so that you can fight against the devil's evil tricks."*

*Ephesians 6:10-11 New Century Version*

*Charles W. Colson*

Charles W. Colson

*William H. Hays*

Chaplain

*Ginda Meckley*

Instructor

*4/28/01*

Date





PRISON  
FELLOWSHIP  
*Ministries*

*In recognition of participation in the seminar,*

**"Y o u   A r e   S o m e b o d y"**

**Kenneth Simmons, Jr.**

*a child of God, is hereby awarded this*

*Certificate of Participation*

*"Be strong in the Lord and in his great power. Wear the full armor of God.  
Wear God's armor so that you can fight against the devil's evil tricks."*

*Ephesians 6:10-11 New Century Version*

*Charles W. Colson*  
Charles W. Colson

*William J. Hoag*  
Chaplain

*Dinda Meekley*  
Instructor

*1/27/01*  
Date



# THE MAILBOX BIBLE CLUB



## Certificate

This is to certify that

 **Yemell Simmons** 

has satisfactorily completed Winners A of the Mailbox Bible Club  
and is awarded this Certificate.



*Marianne Schuster*  
DIRECTOR: MAILBOX BIBLE CLUB  
BCM INTERNATIONAL, INC.

*Deborah A. Carpenter*  
CLUB LEADER

**CHRISTIAN  
GROWTH  
STUDY PLAN**  
*Preparing Christians to Serve*

**CERTIFICATE AWARDED**  
TO  
**KENNETH O SIMMONS**

FOR COMPLETION OF THE COURSE OF STUDY  
**MasterLife 1: The Disciple's Cross--LIFE Course**  
**Christian Growth**

March 20, 2003

Pastor

*Joseph L. Smith*  
President, International Mission Board

*John A. Smith*  
President, North American Mission Board

*James T. Hughes, Jr.*  
President, Life Way Christian Resources

*Wanda D. Lee*  
Executive Director, Women's Missionary Union

**CHRISTIAN  
GROWTH  
STUDY PLAN**  
*Preparing Christians to Serve*

CERTIFICATE AWARDED  
TO  
KENNETH O SIMMONS

FOR COMPLETION OF THE COURSE OF STUDY

MasterLife 2: The Disciple's Personality--LIFE Course  
Christian Growth

June 3, 2003

Pastor

*Joseph T. Beale*

President, International Mission Board

President, North American Mission Board

*James T. Shaper, Jr.*

President, LifeWay Christian Resources

Executive Director, Women's Missionary Union



**CHRISTIAN  
GROWTH  
STUDY PLAN**  
*Preparing Christians to Serve*

CERTIFICATE AWARDED

TO

KENNETH O SIMMONS

FOR COMPLETION OF THE COURSE OF STUDY

MasterLife 3: The Disciple's Victory--LIFE Course  
Christian Growth

July 14, 2003

Pastor

*Joseph T. Baadla*

President, International Mission Board

*James T. Baadla*

President, North American Mission Board

*James T. Baadla*

President, LifeWay Christian Resources

*James T. Baadla*

Executive Director, Women's Missionary Union

*Wanda S. Lee*

**CHRISTIAN  
GROWTH  
STUDY PLAN**  
*Preparing Christians to Serve*

CERTIFICATE AWARDED  
TO  
KENNETH O SIMMONS

FOR COMPLETION OF THE COURSE OF STUDY

MasterLife 4: The Disciple's Mission--LIFE Course  
Christian Growth

August 19, 2003

Pastor

*Joseph T. Balle*

President, International Mission Board

*James Paul*

President, North American Mission Board

*James Paul*

President, LifeWay Christian Resources

*Janice T. Hughes*

Executive Director, Women's Missionary Union

*Janice T. Hughes*

## PROOF OF SERVICE

I certify that on April 18, 2005 (date) I mailed a copy of this brief and attachments via first class mail to the following parties at the addressess listed below:

Hon. Judge William W. Caldwell	U.S. Attorney's Office
&/ Clerk of the Court	Gordon A.D. Zubrod
U.S. District Court (Mid. PA)	228 Walnut Street
228 Walnut Street	P.O. Box 11754
P.O. Box 983	Harrisburg, PA 17108
Harrisburg, PA 17108	

## PROOF OF SERVICE FOR INSTITUTIONALIZED OR INCARCERATED LITIGANTS

In addition to the above proof of service all litigants who are currently institutionalized or incarcerated should indicate the following statement on all documents to be filed with this Court:

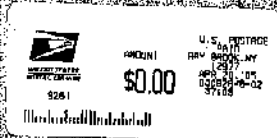
I certify that this document was given to prison officials on April 18, 2005 (date) for forwarding to the Court of Appeals. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.

  
Signature

Dated: April 18, 2005



Kenneth O. Simmons  
ID #09983-06/ Unit MIA-A  
F.C.I. Raybrook  
P.O. Box 9006  
Raybrook, NY 12377



RECEIVED

APR 26 2005

LAUREN CLERY

Hon. Judge William W. Caldwell  
As Clerk of the Court  
U.S. District Court (MEd PA)  
228 Walnut Street  
P.O. Box 783  
Harrisburg, PA 17108